



Report to the Legislature

**VIOLATION, PENALTIES, and ACTIONS
Relating to PERSONS on CONDITIONAL
RELEASE to a LESS RESTRICTIVE PLACEMENT**

RCW 71.09.325(4)

December 1, 2003

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INTRODUCTION

This report is submitted in fulfillment of the requirements of RCW 71.09.325(4). Specifically, the Department of Social and Health Services (DSHS) is directed to compile information in writing of all violations of conditions of release committed by all persons who are living in less restrictive alternative (LRA) settings. In addition, the department is required to report any penalties and actions taken by the department to remove a person from a LRA setting. The report is to be issued on an annual basis to the Office of Financial Management and the appropriate committees of the legislature.

The violations cited in this report are those committed in the period from November 1, 2002 to October 31, 2003. In order to have the most current status of action taken, the report does reflect action that has been taken before issuance of the report on December 1, 2003.

DEFINITIONS

For the purpose of this report the following definitions from the Special Commitment Center (SCC) policies are used.

- a. **Less Restrictive Alternative (LRA).** Court-ordered treatment in a setting less restrictive than total confinement that satisfies the conditions set forth in RCW 71.09.092. LRAs include private homes, secure community transition facilities (SCTF), and other court-authorized settings including contracted residential settings with twenty-four hour staffing.
- b. **Secure Community Transition Facility (SCTF).** A residential facility for persons conditionally released to a less restrictive alternative, including the McNeil Island SCTF and any community-based facilities established under Chapter 71.09 RCW and operated by or under contract with DSHS.
- c. **Private Home.** The LRA resident's own home or the home of a family member or other person that the court of commitment has approved as a less restrictive alternative placement.
- d. **General Violation.** Failure to comply with a condition of release set by the court of commitment, by DSHS, or by the Department of Corrections. A general violation may include a resident's failure to comply with a treatment plan requirement, posting, written instruction or

verbal instruction given by an authorized person. A general violation is distinct from a serious violation.

- e. **Serious Violation.** A violation by an LRA resident that includes but is not limited to the commission of any criminal offense; any unlawful use or possession of a controlled substance; or any violation of a court-ordered condition, which targets the individual's documented pattern of offense that increases the risk to public safety. For purposes of this SCC policy, an accumulation of infractions of rules or any behavior that, in the judgment of the SCC superintendent, represents a risk to public safety may be considered a serious violation.

CURRENT STATUS

During the period November 1, 2002 to October 31, 2003, there were eleven individuals in court-ordered LRA settings. Three persons resided in private homes. Three lived in contracted residential settings with twenty-four hour staffing. Four individuals resided in the McNeil Island SCTF during this time period. In addition, one individual, who resided in the McNeil Island SCTF, was taken into custody and returned to the SCC on October 29, 2002. That person is still awaiting the court of commitment to set a hearing date for the determination of the status of his civil commitment. The six individuals who live in community-based settings off McNeil Island were conditionally released from SCC between August 1996 and May 2001.

Four persons incurred violations during the reporting period. A chronology and description of the violations and action that the department has taken appear in Table 1. The actions related to two individuals who were reported in the 2002 report also appear in this year's report. The status of their violations appears in Table 2. For the purposes of this report, alpha characters were used in lieu of the names of the individuals.

The department did not terminate any contracts with any service providers during this reporting period. In addition, there were no sanctions issued to service providers.

Table 1. Serious Violations
November 1, 2002 to October 31, 2003

<u>Resident</u>	<u>LRA Setting</u>	<u>Violation</u>	<u>Action Taken</u>
A	Private Residence	On two occasions Resident A briefly left his residence without his global positioning system (GPS) equipment. He viewed pornography on the Internet and did not report this to his assigned community corrections officer (CCO) or his certified sex offender treatment provider (SOTP). He also failed a polygraph.	On October 7, 2003, Resident A was taken into custody and returned to the SCC. The court of commitment will set a hearing to determine the status of Resident A's civil commitment.
B	Private Residence	Resident B deviated from his approved trip plan and traveled to community locations without prior approval from his CCO. He also failed a polygraph.	On August 6, 2003, Resident B was taken into custody and returned to the SCC. The court of commitment held a hearing and returned him to his LRA placement in the community on August 19, 2003. The court also ordered a temporary suspension of an approved monitor pending the reevaluation by the individual's treatment team. The court also suspended the individual's driving privileges except for travel to work, reporting to his CCO and attending treatment, unless the treatment team authorizes changes.
C	McNeil Island SCTF	Resident C manifested aggressive and hostile actions toward SCTF staff.	On April 24, 2003, Resident C was taken into custody and placed into the Pierce County jail. He was transferred to the Mason County jail. The court of commitment held a hearing and returned Resident C to the SCTF on May 1, 2003. There were no changes in his conditions for release.
D	McNeil Island SCTF	Resident D failed to report inappropriate sexual arousals to his CCO and SOTP. He lied to his treatment team about these sexual arousals. Resident D resisted participation in SCTF programs.	On March 3, 2003, Resident D was taken into custody and returned to SCC. The court of commitment revoked his LRA placement and recommitted him to SCC on June 12, 2003.

**Table 2. Follow-Up of Serious Violations
Committed**

November 1, 2001 to October 31, 2002

<u>Resident</u>	<u>LRA Setting</u>	<u>Violation</u>	<u>Action Taken</u>
E (Reported as Resident B in 2001- 2002 report)	Contracted Residential Home in the Community	Resident E violated court conditions of release: failure to adhere to written and verbal agreements with his assigned SOTP; and failure to report deviant fantasies and sexual arousals.	The CCO for Resident E requested the court to order the resident to be returned to SCC for violating court-ordered conditions. On September 30, 2002, Resident E re-entered the SCC. At his scheduled hearing on December 20, 2002, the court of commitment returned him to his LRA placement in the community. The court approved a new SOTP and ordered Resident E to abide by all treatment conditions of his new SOTP.
F (Reported as Resident C in 2001- 2002)	McNeil Island SCTF	Resident F violated court conditions of release: demonstrated a pattern of repeated failure to comply with and follow through on program requirements imposed by the SCTF; provided deceptive comments to SCTF staff and his therapist; and over an extended period of time displayed a pattern of inappropriate behaviors and committed several general violations of SCTF policies.	On October 29, 2002, Resident F was taken into custody and returned to SCC. The court of commitment has not scheduled a hearing date to determine the status of his civil commitment.